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National Labor Relations Board
Region 2
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CELESTE J. MATTINA, Regional Director,
Region 2, National Labor Relations Board,
for and on Behalf of the NATIONAL
LABOR RELATIONS BOARD,

Petitioner,

-against-

08 civ. 1808

C & W CLEANING SERVICE, INC.,

Respondent.

ECF

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ORDER GRANTING INJUNCTION UNDER
SECTION 10(j) OF THE NATIONAL LABOR RELATIONS ACT

The Petition and affidavit of Celeste J. Mattina, Regional Director for Region 2 of the National Labor Relations Board, having been filed pursuant to Section 10(j) of the National Labor Relations Act (61 Stat. 149; 73 Stat. 544; 29 U.S.C. 160(j)), praying, *inter alia*, for issuance of an order enjoining and restraining Respondent C & W Cleaning Service from engaging in certain acts and conduct in violation of Section 8(a)(1), (3) and (5) of the Act, pending the final disposition of the matters involved herein pending before said Board, and

It appearing to the Court from evidence adduced in a proceeding before an administrative law judge that there is reasonable cause to believe that Respondent has engaged in

serious and pervasive unfair labor practices in violation of Section 8(a)(1), (3) and (5) of the Act and, unless enjoined and restrained, enforcement of important provisions of the Act and of public policy underlying it will be thwarted before Respondent can be placed under legal restraint through the regular procedure of a Board order and an enforcement decree;

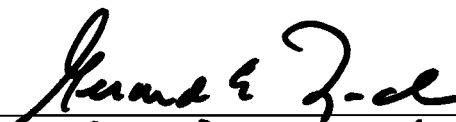
IT IS HEREBY ORDERED that pending the final disposition of this matter by the National Labor Relations Board, Respondent, its officers, representatives, agents, servants, employees, attorneys, and all persons acting in concert, or participation with it or them are enjoined and restrained, pending final disposition of the matters involved herein which are now pending before the Board, from in any manner or by any means:

- (a) Refusing to hire employees for their membership in the Union;
- (b) Refusing to recognize and bargain in good faith with the Union as the exclusive collective bargaining representative of the employees at 330 West 34th Street;
- (c) Unilaterally changing employees' terms and conditions of employment without notice to or bargaining with the Union; and
- (d) In any other manner interfering with, restraining or coercing its employees in the rights guaranteed them under Section 7 of the Act.

IT IS FURTHER ORDERED that pending the final disposition of this matter by the National Labor Relations Board, Respondent, its officers, representatives, agents, servants, employees, attorneys, and all persons acting in concert, or participation with it or them shall:

- (a) Within five (5) days of the issuance of the Court's Order, offer alleged discriminatees immediate and full interim reinstatement to their former positions of employment and working conditions at 330 West 34th Street in Manhattan, displacing, if necessary, any newly-hired, reassigned and/or transferred employees and, in the event an insufficient number of positions exists to accommodate all the discriminatees, establish a preferential hiring list for such employees and offer, in a nondiscriminatory manner, priority employment exclusively from that list as job openings occur.
- (b) Upon request, recognize and bargain in good faith with the Union as the exclusive collective-bargaining representative of the unit, with respect to rates of pay, hours, and other terms and conditions of employment, to agreement or a bona fide impasse, and if an understanding is reached, embody such understanding in a signed agreement;
- (c) At the Union's request, rescind any or all of the unilateral changes to unit employees' terms and conditions of employment implemented at 330 West 34th Street on or after July 2, 2007 or the date Respondent took over the janitorial contract;
- (d) Post copies of the District Court's opinion and order at 330 West 34th Street, in all locations where employee notices are customarily posted; said postings shall be maintained during the Board's administrative proceedings free from all obstructions or defacements; and agents of the National Labor Relations Board, Region 2 shall be granted reasonable access to the Respondent's facilities to monitor compliance with this posting requirement;
- (e) Within twenty (20) days of the issuance of the District Court's Order, file with the Court, with a copy submitted to the Regional Director of Region 2 of the National Labor Relations Board, a sworn affidavit from a responsible Respondent official setting forth with specificity the manner in which the Respondent has complied with the terms of this decree.

Done at New York, New York
this 7th day of March, 2008


Hon. GERARD E. LYNCH, U.S.D.J.